

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BASEEMAH WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:22-cv-02267-JPH-TAB
)	
LOUIS DEJOY, Postmaster General,)	
JULIA DUNN,)	
LISA DALTON,)	
NICOLE THOMPSON,)	
JASMINE JOHNSON,)	
GILBERTO PINEDA, JR.,)	
)	
Defendants.)	

ORDER

Plaintiff, Baseemah Williams, filed a complaint that alleges she was discriminated against and was subject to an unsafe work environment while employed by the U.S. Postal Service. Dkt. 1. Postmaster General Louis DeJoy has filed a motion to dismiss only part of Ms. Williams's complaint. Dkt. [23]. He does not ask to dismiss Ms. Williams's claims against himself; instead, he moves to dismiss her claims against the postal employees. *Id.* Ms. Williams has not responded.

The Court notes that counsel for the Postmaster General has not entered an appearance on behalf of the postal employees. *See* dkt. 17. Moreover, the motion does not provide any legal authority that states that counsel for one defendant may move on behalf of another, without their consent. *See* dkt. 24 at 2. However, Ms. Williams is proceeding *in forma pauperis*, dkt. 5, so the Court has a continuing obligation to screen her complaint to see if it fails to

state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii).

Thus, the Court will consider the Postmaster General's argument in favor of dismissal through that lens.

Here, Ms. Williams alleges that, while working for the USPS, she was discriminated, harassed, and retaliated against on the basis of her race and age. Dkt. 1 at 5–6. She claims that this violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e–2000e-17, and the Age Discrimination in Employment Act of 1967 (ADEA), 28 U.S.C. §§ 621–34. *Id.* at 2.

Ms. Williams named the Postmaster General and five other postal employees as defendants. *Id.* at 3. Next to four of those employees' names, Ms. Williams noted the way they contributed to the alleged discrimination. *See, e.g., id.* ("Lisa Dalton (race discrimination)"). However, next to one defendant's name—Jasmine Johnson—Ms. Williams wrote "(assault with a deadly weapon)." *Id.* In another part of the complaint, she explains that, at work one day, Ms. Johnson had a knife and said she would fight her. *Id.* at 5.

The Postmaster General points out that an employment discrimination suit brought by a federal employee may only be filed against "the head of the department, agency, or unit" that employed the plaintiff. Dkt. 24 at 2 (citing 42 U.S.C. § 2000e-16(c)). Accordingly, the Seventh Circuit has held that, under both Title VII and the ADEA, the Postmaster General is the only proper defendant in a suit alleging discrimination by the USPS. *Timms v. Frank*, 952 F.2d 281, 287 (7th Cir. 1992).

The Court agrees that, as to Ms. Williams's Title VII and ADEA claims, the Postmaster General is the only appropriate defendant. *See id.* However, construed liberally, Ms. Williams also makes a claim for assault under Indiana tort law against Ms. Johnson. *See, e.g., Cullison v. Medley*, 570 N.E.2d 27, 30 (Ind. 1991) ("[A]ssault . . . is effectuated when one acts intending to cause a harmful or offensive contact with the person of the other or an imminent apprehension of such contact."); dkt. 18 at 3 (Johnson Ans. at 3) (identifying Ms. Williams's claim against her as assault with a deadly weapon); *see also* 28 U.S.C. § 1367(a) (noting that district courts have supplemental jurisdiction over claims that are "so related to claims in the action within [the court's] original jurisdiction").

Thus, Postmaster DeJoy's motion, dkt. [23], is **GRANTED** to the extent the Court screens Ms. Williams's complaint and finds that her Title VII and ADEA claims against Julia Dunn, Lisa Dalton, Nicole Thompson, and Gilberto Pineda, Jr., should be **dismissed**. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). Her employment discrimination claims against the Postmaster General and her assault claim against Ms. Johnson shall **proceed**.

The **Clerk is directed** to terminate Julia Dunn, Lisa Dalton, Nicole Thompson, and Gilberto Pineda, Jr. as defendants on the docket, and to update Jasmine Johnson's address to align with the one in the distribution list below. *See* dkt. 18 at 2.

SO ORDERED.

Date: 5/11/2023

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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